



Citation for published version:

Yeo, RA 2019, 'The regressive power of labels of vulnerability affecting disabled asylum seekers in the UK', *Disability & Society*. <https://doi.org/10.1080/09687599.2019.1639688>

DOI:

[10.1080/09687599.2019.1639688](https://doi.org/10.1080/09687599.2019.1639688)

Publication date:

2019

Document Version

Peer reviewed version

[Link to publication](https://doi.org/10.1080/09687599.2019.1639688)

This is an Accepted Manuscript of an article published by Taylor & Francis in *Disability and Society* on 27 July 2019, available online: <https://www.tandfonline.com/doi/full/10.1080/09687599.2019.1639688>

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The regressive power of labels of vulnerability affecting disabled asylum seekers in the UK

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Abstract

There has been some progress in the United Kingdom regarding official recognition of the existence and needs of disabled asylum seekers and refugees. However, references are commonly accompanied by euphemistic labels, particularly of 'vulnerability'. This should be understood in the context of systematic reduction of services and support available to the wider population of asylum seekers and disabled people in the United Kingdom. I argue that these processes reinforce each other and that both undermine a rights-based approach. Focusing on recent asylum and immigration policies, I explore how labels of 'vulnerability' obscure systemic oppression and distract from the rights and achievements of disabled people. The regressive elements of vulnerability discourse are presented as if better than nothing. Such discourse risks reinforcing hegemonic acceptance of distinctions of human worth, with detrimental impact for migrants and citizens alike.

In recent years, the United Kingdom has experienced systematic reduction of support and services available to disabled people, along with increased labelling of certain groups as 'vulnerable'. These processes appear to reinforce each other and to undermine the rights of disabled people. There are always multiple ways in which an issue can be framed. In 2006, the landmark United Nations Convention on the Rights of Persons with Disability was passed, focusing on overcoming the barriers that people face when accessing rights, without reference to vulnerability. The same year, the Safeguarding Vulnerable Groups Act 2006 was passed in the United Kingdom. I argue that the discursive battle between references to disabled people's rights and labels of vulnerability has significant practical consequences.

UK asylum and immigration policies have been at the forefront of attempts to replace rights with assumptions that access to support depends on being labelled as 'vulnerable'. However, such labels are not unique to asylum seekers. Constructions of vulnerability have been challenged by many people (see, for example, Sherwood-Johnson 2013). I argue that the use of such labels in the asylum sector has facilitated similar restrictions to a wider population.

Before specifically considering the use of the label 'vulnerable', it is instructive to briefly consider recent history and development of policies and practices shaping the entitlements of disabled people in the asylum system. Seminal work by Harris and Roberts (2001) provided clear evidence of the marginalisation of disabled asylum seekers in the United Kingdom. Ten years later, Strainer (2011, 538) described the invisibility of disabled people in the asylum system, explaining that this 'is not due to their absence, but due to the discrimination'. Similarly, in 2013, I was told by the receptionist of a major UK refugee charity that 'disabled asylum seekers ... don't really exist (Yeo 2017). It would, however, be wrong to suggest that there is no consideration of the existence or needs of disabled asylum seekers or refugees. Some recent initiatives do provide some level of support in certain circumstances, but different methods are used to avoid use of the term 'disabled' or 'disability'.

The term 'vulnerable' is not the only euphemism used to refer to disabled asylum seekers. The Immigration and Asylum Act 1999 removed asylum seekers' eligibility for mainstream

benefits, thereby removing any acknowledgement of the financial costs associated with disability, unless 'the Secretary of State considers that the circumstances of a particular case are exceptional'. More specific guidance for this provision was issued in 2017. However, the response to a Freedom of Information request (reference 52045) in May 2019 revealed that out of 345 applications submitted in 2018, support was provided to just 10 people.

Disabled asylum seekers are also referred to as 'people with care needs'. Like any other resident of the United Kingdom, people with ongoing asylum claims are entitled to apply for a Care Act assessment and, if found eligible, may receive social care services. Confusion over this provision resulted in the Home Office issuing new guidance in 2018. However, of course, not all disabled people have eligible care needs. The crisis in social care provision has been well documented (see, for example, Slasberg and Beresford 2014, 2017). It has resulted in many people being denied access to services and support irrespective of migration status. In my earlier work (Yeo 2017) I became aware of disabled asylum seekers experiencing protracted struggles to access and maintain access to social care services.

Use of the euphemism 'vulnerable' has become increasingly hegemonic since the Vulnerable Persons Resettlement Scheme was established in 2014. This scheme selects people fleeing the Syrian conflict on the basis of apparent vulnerability. The criteria for eligibility includes disability. Two years later, Stephen Shaw (2016), former Prisons and Probation Ombudsman for England and Wales, carried out a review into the 'Welfare in Detention of Vulnerable Persons'. Again, the label 'vulnerable' was used to refer to disabled people. Soon afterwards, a matrix of 24 indicators of vulnerability began to be piloted to identify people at different stages of the asylum process. Earlier this year, an inspection of the different Home Office approaches to the 'identification and safeguarding of vulnerable adults' was published by the Independent Chief Inspector of Borders and Immigration (ICIBI 2019). Such initiatives may offer some protection to those people identified as eligible. However, the repercussions of this tendency to refer to disabled asylum seekers as 'vulnerable' should be considered.

In a suggestion of awareness of distinctions between the social and medical models of disability, the ICIBI (2019, 18) report makes a frank admission that 'immigration control measures which deny access to services can increase vulnerability' and that there is an 'emerging picture of negative outcomes linked to our system'. Similarly, Shaw (2016, 10) reports that 'vulnerability is intrinsic to the very fact of detention'. He refers particularly to the negative impact of detention on mental health.

Despite admitting that the system creates, or increases, 'vulnerability', both the ICIBI report and the Shaw report make recommendations to mitigate the impact on those most adversely affected rather than to challenge the nature of the system. Shaw stresses that these recommendations 'do not go far enough' (2016, 11). The objective of identifying 'vulnerable' people is made explicit by the ICIBI (2019, 8), referring to Home Office recognition that identifying:

the needs of vulnerable individuals is a test not just of its competence but also of its capacity for compassion, both of which have been questioned in recent months.

The goal is to enhance not to challenge the credibility of the system.

It could be argued that action to reduce the suffering of certain people is better than nothing. There is clearly an urgent need for action to improve the well-being of people in crisis. However, in addition to failing to address systemic causes, vulnerability approaches have further detrimental outcomes:

1. Reinforcing distinctions between deserving and undeserving.
2. Obscuring the active dimension of oppression.
3. Promoting moral regression to sufficientarianism.

Reinforcing distinctions between deserving and undeserving

Vulnerability discourse frames particular individuals as helpless, thereby granting minor exemptions to neoliberal assumptions that individuals are architects of their own misfortune. The identification of people as 'vulnerable' becomes a means of distinguishing those worthy of support from those who are not. The label also frames people as a burden, rather than a positive contribution to society. Using vulnerability as a requirement for support effectively relegates those not labelled as 'vulnerable' to the ranks of the undeserving. As Jenny Morris (2015) has written, we should be 'campaigning to remove the policies and practices which create vulnerability, not using the term as a qualification for support'. When systemic problems are narrowed down to individual examples of vulnerability, solutions become framed as acts of generosity towards people considered deserving.

Obscuring the active dimension of oppression

Labelling people as vulnerable obscures the systemic barriers and government policies which create vulnerability by denying services and support. Presenting the problem as if stemming from individual traits or misfortune also undermines rights-based achievements, including the obligations enshrined in the United Nations Convention on the Rights of Persons with Disabilities (2006). As Frankie Boyle tweeted, 'If the thing you are "vulnerable" to is your own society, you're oppressed' (14 October 2018). The language of vulnerability conceals oppression by recasting its agents as benevolent protectors of helpless victims.

Promoting moral regression to sufficientarianism

The portrayal of immigration enforcement officials as protectors of 'vulnerable' people reveals and catalyses a moral regression towards what could be characterised as Hobbesian sufficientarianism. Provision for asylum seekers does not seek to achieve equality or rights but merely to reduce risks of imminent death. People with active asylum claims receive financial support of £37.75 per week to cover all non-housing-related costs. To provide some context, it should be noted that asylum seekers are obliged to travel to Liverpool when submitting evidence for their claim. A return ticket from Bristol to Liverpool costs £87. For those identified as vulnerable enough to be eligible for 'safeguarding', the focus is on reducing loss of life, not providing what might be considered a reasonable standard of living. If a person's asylum claim is refused, then even such minimal support is reduced or entirely stopped. This is in line with the aim expressed by Theresa May in 2012, while Home Secretary, to create a 'really hostile environment'.

More recently, similar policies have been extended to a wider population, including citizens in receipt of welfare payments. The Department for Work and Pensions now routinely uses sanctions whereby a claimant's support can be stopped. Destitution has become an overt tool of government policy, imposing state-sanctioned punishment outside the judicial system. When state services and support are removed, people's survival depends on discretionary support from family, friends or wider allies. Those without adequate support networks, which can be assumed to include asylum seekers, are inevitably most adversely affected and become particularly susceptible to exploitation.

Discourse of vulnerability is not restricted to the Home Office or state institutions. Civil society organisations frequently adopt these framings to facilitate collaboration and to

access funding. However, as such discourse becomes more pervasive, the risk is that it ceases being simply a tactic. Instead, it reinforces hegemonic acceptance that some people are worthy of support and others are not.

Repeated references to disabled asylum seekers as vulnerable, diverts attention from the systematic denial of services and support which creates and increases vulnerability. Tensions between rights-based discourse and that of vulnerability are not dissimilar to historic divisions between the charity and social, or rights-based, models of disability. The re-emerging prominence of these tensions suggest ongoing need for resistance. Framing asylum seekers as 'vulnerable' rather than 'disabled' separates people from the achievements, potential solidarity and means to contribute to the wider disabled people's movement.

We must not allow the scope for progressive imagining to sink so low that the multiple regressive elements of vulnerability discourse appear better than nothing. Challenging distinctions of human worth, eliminating oppression and upholding rights-based achievement are essential tasks on which citizens and those with all forms of migration status must unite.

A plea by Jenny Morris (2015) was not written about the asylum system, but is nonetheless apt:

'It took us many years to reframe our position in society away from that of a matter of protection and exclusion. Please don't collude in imposing that history back onto us'.

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